



Rep. Lou Lang

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1 AMENDMENT TO SENATE BILL 33

2 AMENDMENT NO. _____. Amend Senate Bill 33 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Compassionate Use of Medical Cannabis Pilot
5 Program Act is amended by changing Section 10 as follows:

6 (410 ILCS 130/10)

7 (Section scheduled to be repealed on January 1, 2018)

8 Sec. 10. Definitions. The following terms, as used in this
9 Act, shall have the meanings set forth in this Section:

10 (a) "Adequate supply" means:

11 (1) 2.5 ounces of usable cannabis during a period of 14
12 days and that is derived solely from an intrastate source.

13 (2) Subject to the rules of the Department of Public
14 Health, a patient may apply for a waiver where a physician
15 provides a substantial medical basis in a signed, written
16 statement asserting that, based on the patient's medical

1 history, in the physician's professional judgment, 2.5
2 ounces is an insufficient adequate supply for a 14-day
3 period to properly alleviate the patient's debilitating
4 medical condition or symptoms associated with the
5 debilitating medical condition.

6 (3) This subsection may not be construed to authorize
7 the possession of more than 2.5 ounces at any time without
8 authority from the Department of Public Health.

9 (4) The pre-mixed weight of medical cannabis used in
10 making a cannabis infused product shall apply toward the
11 limit on the total amount of medical cannabis a registered
12 qualifying patient may possess at any one time.

13 (b) "Cannabis" has the meaning given that term in Section 3
14 of the Cannabis Control Act.

15 (c) "Cannabis plant monitoring system" means a system that
16 includes, but is not limited to, testing and data collection
17 established and maintained by the registered cultivation
18 center and available to the Department for the purposes of
19 documenting each cannabis plant and for monitoring plant
20 development throughout the life cycle of a cannabis plant
21 cultivated for the intended use by a qualifying patient from
22 seed planting to final packaging.

23 (d) "Cardholder" means a qualifying patient or a designated
24 caregiver who has been issued and possesses a valid registry
25 identification card by the Department of Public Health.

26 (e) "Cultivation center" means a facility operated by an

1 organization or business that is registered by the Department
2 of Agriculture to perform necessary activities to provide only
3 registered medical cannabis dispensing organizations with
4 usable medical cannabis.

5 (f) "Cultivation center agent" means a principal officer,
6 board member, employee, or agent of a registered cultivation
7 center who is 21 years of age or older and has not been
8 convicted of an excluded offense.

9 (g) "Cultivation center agent identification card" means a
10 document issued by the Department of Agriculture that
11 identifies a person as a cultivation center agent.

12 (h) "Debilitating medical condition" means one or more of
13 the following:

14 (1) cancer, glaucoma, positive status for human
15 immunodeficiency virus, acquired immune deficiency
16 syndrome, hepatitis C, amyotrophic lateral sclerosis,
17 Crohn's disease, agitation of Alzheimer's disease,
18 cachexia/wasting syndrome, muscular dystrophy, severe
19 fibromyalgia, spinal cord disease, including but not
20 limited to arachnoiditis, Tarlov cysts, hydromyelia,
21 syringomyelia, Rheumatoid arthritis, fibrous dysplasia,
22 spinal cord injury, traumatic brain injury and
23 post-concussion syndrome, Multiple Sclerosis,
24 Arnold-Chiari malformation and Syringomyelia,
25 Spinocerebellar Ataxia (SCA), Parkinson's, Tourette's,
26 Myoclonus, Dystonia, Reflex Sympathetic Dystrophy, RSD

1 (Complex Regional Pain Syndromes Type I), Causalgia, CRPS
2 (Complex Regional Pain Syndromes Type II),
3 Neurofibromatosis, Chronic Inflammatory Demyelinating
4 Polyneuropathy, Sjogren's syndrome, Lupus, Interstitial
5 Cystitis, Myasthenia Gravis, Hydrocephalus, nail-patella
6 syndrome, residual limb pain, post-traumatic stress
7 disorder, seizures (including those characteristic of
8 epilepsy), or the treatment of these conditions; or

9 (2) any other debilitating medical condition or its
10 treatment that is added by the Department of Public Health
11 by rule as provided in Section 45.

12 (i) "Designated caregiver" means a person who: (1) is at
13 least 21 years of age; (2) has agreed to assist with a
14 patient's medical use of cannabis; (3) has not been convicted
15 of an excluded offense; and (4) assists no more than one
16 registered qualifying patient with his or her medical use of
17 cannabis.

18 (j) "Dispensing organization agent identification card"
19 means a document issued by the Department of Financial and
20 Professional Regulation that identifies a person as a medical
21 cannabis dispensing organization agent.

22 (k) "Enclosed, locked facility" means a room, greenhouse,
23 building, or other enclosed area equipped with locks or other
24 security devices that permit access only by a cultivation
25 center's agents or a dispensing organization's agent working
26 for the registered cultivation center or the registered

1 dispensing organization to cultivate, store, and distribute
2 cannabis for registered qualifying patients.

3 (1) "Excluded offense" means:

4 (1) a violent crime defined in Section 3 of the Rights
5 of Crime Victims and Witnesses Act or a substantially
6 similar offense that was classified as a felony in the
7 jurisdiction where the person was convicted; or

8 (2) a violation of a state or federal controlled
9 substance law that was classified as a felony in the
10 jurisdiction where the person was convicted, except that
11 the registering Department may waive this restriction if
12 the person demonstrates to the registering Department's
13 satisfaction that his or her conviction was for the
14 possession, cultivation, transfer, or delivery of a
15 reasonable amount of cannabis intended for medical use.
16 This exception does not apply if the conviction was under
17 state law and involved a violation of an existing medical
18 cannabis law.

19 (m) "Medical cannabis cultivation center registration"
20 means a registration issued by the Department of Agriculture.

21 (n) "Medical cannabis container" means a sealed,
22 traceable, food compliant, tamper resistant, tamper evident
23 container, or package used for the purpose of containment of
24 medical cannabis from a cultivation center to a dispensing
25 organization.

26 (o) "Medical cannabis dispensing organization", or

1 "dispensing organization", or "dispensary organization" means
2 a facility operated by an organization or business that is
3 registered by the Department of Financial and Professional
4 Regulation to acquire medical cannabis from a registered
5 cultivation center for the purpose of dispensing cannabis,
6 paraphernalia, or related supplies and educational materials
7 to registered qualifying patients.

8 (p) "Medical cannabis dispensing organization agent" or
9 "dispensing organization agent" means a principal officer,
10 board member, employee, or agent of a registered medical
11 cannabis dispensing organization who is 21 years of age or
12 older and has not been convicted of an excluded offense.

13 (q) "Medical cannabis infused product" means food, oils,
14 ointments, or other products containing usable cannabis that
15 are not smoked.

16 (r) "Medical use" means the acquisition; administration;
17 delivery; possession; transfer; transportation; or use of
18 cannabis to treat or alleviate a registered qualifying
19 patient's debilitating medical condition or symptoms
20 associated with the patient's debilitating medical condition.

21 (s) "Physician" means a doctor of medicine or doctor of
22 osteopathy licensed under the Medical Practice Act of 1987 to
23 practice medicine and who has a controlled substances license
24 under Article III of the Illinois Controlled Substances Act. It
25 does not include a licensed practitioner under any other Act
26 including but not limited to the Illinois Dental Practice Act.

1 (t) "Qualifying patient" means a person who has been
2 diagnosed by a physician as having a debilitating medical
3 condition.

4 (u) "Registered" means licensed, permitted, or otherwise
5 certified by the Department of Agriculture, Department of
6 Public Health, or Department of Financial and Professional
7 Regulation.

8 (v) "Registry identification card" means a document issued
9 by the Department of Public Health that identifies a person as
10 a registered qualifying patient or registered designated
11 caregiver.

12 (w) "Usable cannabis" means the seeds, leaves, buds, and
13 flowers of the cannabis plant and any mixture or preparation
14 thereof, but does not include the stalks, and roots of the
15 plant. It does not include the weight of any non-cannabis
16 ingredients combined with cannabis, such as ingredients added
17 to prepare a topical administration, food, or drink.

18 (x) "Verification system" means a Web-based system
19 established and maintained by the Department of Public Health
20 that is available to the Department of Agriculture, the
21 Department of Financial and Professional Regulation, law
22 enforcement personnel, and registered medical cannabis
23 dispensing organization agents on a 24-hour basis for the
24 verification of registry identification cards, the tracking of
25 delivery of medical cannabis to medical cannabis dispensing
26 organizations, and the tracking of the date of sale, amount,

1 and price of medical cannabis purchased by a registered
2 qualifying patient.

3 (y) "Written certification" means a document dated and
4 signed by a physician, stating (1) that in the physician's
5 professional opinion the patient is likely to receive
6 therapeutic or palliative benefit from the medical use of
7 cannabis to treat or alleviate the patient's debilitating
8 medical condition or symptoms associated with the debilitating
9 medical condition; (2) that the qualifying patient has a
10 debilitating medical condition and specifying the debilitating
11 medical condition the qualifying patient has; and (3) that the
12 patient is under the physician's care for the debilitating
13 medical condition. A written certification shall be made only
14 in the course of a bona fide physician-patient relationship,
15 after the physician has completed an assessment of the
16 qualifying patient's medical history, reviewed relevant
17 records related to the patient's debilitating condition, and
18 conducted a physical examination.

19 A veteran who has received treatment at a VA hospital shall
20 be deemed to have a bona fide physician-patient relationship
21 with a VA physician if the patient has been seen for his or her
22 debilitating medical condition at the VA Hospital in accordance
23 with VA Hospital protocols.

24 A bona fide physician-patient relationship under this
25 subsection is a privileged communication within the meaning of
26 Section 8-802 of the Code of Civil Procedure.

1 (Source: P.A. 98-122, eff. 1-1-14; 98-775, eff. 1-1-15.)

2 Section 10. The Firearm Owners Identification Card Act is
3 amended by changing Section 1.1 as follows:

4 (430 ILCS 65/1.1) (from Ch. 38, par. 83-1.1)

5 Sec. 1.1. For purposes of this Act:

6 "Addicted to narcotics" means a person who has been:

7 (1) convicted of an offense involving the use or
8 possession of cannabis, a controlled substance, or
9 methamphetamine within the past year; or

10 (2) determined by the Department of State Police to be
11 addicted to narcotics based upon federal law or federal
12 guidelines.

13 "Addicted to narcotics" does not include possession or use
14 of a prescribed controlled substance under the direction and
15 authority of a physician or other person authorized to
16 prescribe the controlled substance when the controlled
17 substance is used in the prescribed manner.

18 Notwithstanding any other provision of this Act, federal
19 law, or federal guidelines, the determination of whether a
20 person is addicted to narcotics shall not be based on the
21 status of the person as a registered qualifying patient or
22 registered caregiver under the Compassionate Use of Medical
23 Cannabis Pilot Program Act.

24 "Adjudicated as a mentally disabled person" means the

1 person is the subject of a determination by a court, board,
2 commission or other lawful authority that the person, as a
3 result of marked subnormal intelligence, or mental illness,
4 mental impairment, incompetency, condition, or disease:

5 (1) presents a clear and present danger to himself,
6 herself, or to others;

7 (2) lacks the mental capacity to manage his or her own
8 affairs or is adjudicated a disabled person as defined in
9 Section 11a-2 of the Probate Act of 1975;

10 (3) is not guilty in a criminal case by reason of
11 insanity, mental disease or defect;

12 (3.5) is guilty but mentally ill, as provided in
13 Section 5-2-6 of the Unified Code of Corrections;

14 (4) is incompetent to stand trial in a criminal case;

15 (5) is not guilty by reason of lack of mental
16 responsibility under Articles 50a and 72b of the Uniform
17 Code of Military Justice, 10 U.S.C. 850a, 876b;

18 (6) is a sexually violent person under subsection (f)
19 of Section 5 of the Sexually Violent Persons Commitment
20 Act;

21 (7) is a sexually dangerous person under the Sexually
22 Dangerous Persons Act;

23 (8) is unfit to stand trial under the Juvenile Court
24 Act of 1987;

25 (9) is not guilty by reason of insanity under the
26 Juvenile Court Act of 1987;

1 (10) is subject to involuntary admission as an
2 inpatient as defined in Section 1-119 of the Mental Health
3 and Developmental Disabilities Code;

4 (11) is subject to involuntary admission as an
5 outpatient as defined in Section 1-119.1 of the Mental
6 Health and Developmental Disabilities Code;

7 (12) is subject to judicial admission as set forth in
8 Section 4-500 of the Mental Health and Developmental
9 Disabilities Code; or

10 (13) is subject to the provisions of the Interstate
11 Agreements on Sexually Dangerous Persons Act.

12 "Clear and present danger" means a person who:

13 (1) communicates a serious threat of physical violence
14 against a reasonably identifiable victim or poses a clear
15 and imminent risk of serious physical injury to himself,
16 herself, or another person as determined by a physician,
17 clinical psychologist, or qualified examiner; or

18 (2) demonstrates threatening physical or verbal
19 behavior, such as violent, suicidal, or assaultive
20 threats, actions, or other behavior, as determined by a
21 physician, clinical psychologist, qualified examiner,
22 school administrator, or law enforcement official.

23 "Clinical psychologist" has the meaning provided in
24 Section 1-103 of the Mental Health and Developmental
25 Disabilities Code.

26 "Controlled substance" means a controlled substance or

1 controlled substance analog as defined in the Illinois
2 Controlled Substances Act.

3 "Counterfeit" means to copy or imitate, without legal
4 authority, with intent to deceive.

5 "Developmentally disabled" means a disability which is
6 attributable to any other condition which results in impairment
7 similar to that caused by an intellectual disability and which
8 requires services similar to those required by intellectually
9 disabled persons. The disability must originate before the age
10 of 18 years, be expected to continue indefinitely, and
11 constitute a substantial handicap.

12 "Federally licensed firearm dealer" means a person who is
13 licensed as a federal firearms dealer under Section 923 of the
14 federal Gun Control Act of 1968 (18 U.S.C. 923).

15 "Firearm" means any device, by whatever name known, which
16 is designed to expel a projectile or projectiles by the action
17 of an explosion, expansion of gas or escape of gas; excluding,
18 however:

19 (1) any pneumatic gun, spring gun, paint ball gun, or
20 B-B gun which expels a single globular projectile not
21 exceeding .18 inch in diameter or which has a maximum
22 muzzle velocity of less than 700 feet per second;

23 (1.1) any pneumatic gun, spring gun, paint ball gun, or
24 B-B gun which expels breakable paint balls containing
25 washable marking colors;

26 (2) any device used exclusively for signalling or

1 safety and required or recommended by the United States
2 Coast Guard or the Interstate Commerce Commission;

3 (3) any device used exclusively for the firing of stud
4 cartridges, explosive rivets or similar industrial
5 ammunition; and

6 (4) an antique firearm (other than a machine-gun)
7 which, although designed as a weapon, the Department of
8 State Police finds by reason of the date of its
9 manufacture, value, design, and other characteristics is
10 primarily a collector's item and is not likely to be used
11 as a weapon.

12 "Firearm ammunition" means any self-contained cartridge or
13 shotgun shell, by whatever name known, which is designed to be
14 used or adaptable to use in a firearm; excluding, however:

15 (1) any ammunition exclusively designed for use with a
16 device used exclusively for signalling or safety and
17 required or recommended by the United States Coast Guard or
18 the Interstate Commerce Commission; and

19 (2) any ammunition designed exclusively for use with a
20 stud or rivet driver or other similar industrial
21 ammunition.

22 "Gun show" means an event or function:

23 (1) at which the sale and transfer of firearms is the
24 regular and normal course of business and where 50 or more
25 firearms are displayed, offered, or exhibited for sale,
26 transfer, or exchange; or

1 (2) at which not less than 10 gun show vendors display,
2 offer, or exhibit for sale, sell, transfer, or exchange
3 firearms.

4 "Gun show" includes the entire premises provided for an
5 event or function, including parking areas for the event or
6 function, that is sponsored to facilitate the purchase, sale,
7 transfer, or exchange of firearms as described in this Section.

8 "Gun show" does not include training or safety classes,
9 competitive shooting events, such as rifle, shotgun, or handgun
10 matches, trap, skeet, or sporting clays shoots, dinners,
11 banquets, raffles, or any other event where the sale or
12 transfer of firearms is not the primary course of business.

13 "Gun show promoter" means a person who organizes or
14 operates a gun show.

15 "Gun show vendor" means a person who exhibits, sells,
16 offers for sale, transfers, or exchanges any firearms at a gun
17 show, regardless of whether the person arranges with a gun show
18 promoter for a fixed location from which to exhibit, sell,
19 offer for sale, transfer, or exchange any firearm.

20 "Intellectually disabled" means significantly subaverage
21 general intellectual functioning which exists concurrently
22 with impairment in adaptive behavior and which originates
23 before the age of 18 years.

24 "Involuntarily admitted" has the meaning as prescribed in
25 Sections 1-119 and 1-119.1 of the Mental Health and
26 Developmental Disabilities Code.

1 "Mental health facility" means any licensed private
2 hospital or hospital affiliate, institution, or facility, or
3 part thereof, and any facility, or part thereof, operated by
4 the State or a political subdivision thereof which provide
5 treatment of persons with mental illness and includes all
6 hospitals, institutions, clinics, evaluation facilities,
7 mental health centers, colleges, universities, long-term care
8 facilities, and nursing homes, or parts thereof, which provide
9 treatment of persons with mental illness whether or not the
10 primary purpose is to provide treatment of persons with mental
11 illness.

12 "Patient" means:

13 (1) a person who voluntarily receives mental health
14 treatment as an in-patient or resident of any public or
15 private mental health facility, unless the treatment was
16 solely for an alcohol abuse disorder and no other secondary
17 substance abuse disorder or mental illness; or

18 (2) a person who voluntarily receives mental health
19 treatment as an out-patient or is provided services by a
20 public or private mental health facility, and who poses a
21 clear and present danger to himself, herself, or to others.

22 "Physician" has the meaning as defined in Section 1-120 of
23 the Mental Health and Developmental Disabilities Code.

24 "Qualified examiner" has the meaning provided in Section
25 1-122 of the Mental Health and Developmental Disabilities Code.

26 "Sanctioned competitive shooting event" means a shooting

1 contest officially recognized by a national or state shooting
2 sport association, and includes any sight-in or practice
3 conducted in conjunction with the event.

4 "School administrator" means the person required to report
5 under the School Administrator Reporting of Mental Health Clear
6 and Present Danger Determinations Law.

7 "Stun gun or taser" has the meaning ascribed to it in
8 Section 24-1 of the Criminal Code of 2012.

9 (Source: P.A. 97-776, eff. 7-13-12; 97-1150, eff. 1-25-13;
10 97-1167, eff. 6-1-13; 98-63, eff. 7-9-13.)

11 Section 99. Effective date. This Act takes effect upon
12 becoming law."